

CAYMAN ISLANDS



TRAFFIC (AMENDMENT) BILL, 2024

A BILL FOR AN ACT TO AMEND THE TRAFFIC ACT (2023 REVISION) TO PROVIDE FOR VEHICLE SAFETY STANDARDS; TO PROVIDE FOR MISCELLANEOUS UPDATES OF THE ACT; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development (PAHI-TD)



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Traffic Act (2023 Revision) (“the principal Act”) to provide for vehicle safety standards, to provide for miscellaneous updates of the principal Act and to provide for incidental and connected purposes.

Clause 1 provides the short title of the legislation and contains a commencement provision.

Clause 2 amends section 2 of the principal Act to change some definitions and to introduce new definitions. One new definition which has been inserted is that of a “new vehicle”. A “new vehicle” is defined to mean a vehicle which, at the date of registration, has less than four thousand miles on its odometer and is of a model year at the date of registration of no more than one year. Another definition of note is that of “demerit points system” which means a penalty system under which a person's driver's licence is revoked or suspended based on the number of demerit points the person has accumulated over a specific period of time.

Clause 3 repeals and replaces section 11 of the principal Act which deals with restriction on the importation and use of certain vehicles. The clause provides, among other things, that unless a person has a special permit, a person who, without the written permission of the Director, imports or uses a vehicle which does not comply with either the standards specified in the principal Act or in Regulations made under section 57 of the principal Act commits an offence.

Clause 4 amends section 14(2)(a) of the principal Act in order to provide, among other things, that a licence may be issued for five years where a vehicle is a new vehicle which is being registered in the Islands for the first time.

Clause 4 also inserts a new subclause (5A) which provides that a person who is the spouse, parent, legal guardian or adult child of a disabled person is entitled to register and license one vehicle free of fee on behalf of the disabled person but no more than one such registration will be permitted.

Clause 5 amends section 25 of the principal Act to provide that section 25 of the principal Act applies to a new resident, visitor or Caymanian of the prescribed age.

Clause 6 provides for the exchange of licences. It provides that a person who resides in the Islands and who holds a domestic licence granted in a country specified below may, in exchange for such a licence be granted a corresponding Cayman Islands licence.

The countries which may exchange licences are as follows-

- (a) United Kingdom;
- (b) Gibraltar;
- (c) Guernsey;



- (d) Isle of Man; and
- (e) Jersey.

Clause 7 amends section 29 of the principal Act to, among other things, change the categories of persons who may drive in the Islands with a licence from a Convention country.

Clause 8 repeals Part 4 of the principal Act which deals with public passenger-vehicles. It is proposed that those vehicles will be regulated under other dedicated legislation.

Clause 9 makes minor amendments to section 53 of the principal Act which deals with restrictions on the use of special purpose vehicles.

Clause 10 makes minor amendments to section 55 of the principal Act which deals with the requirements for registration of special purpose vehicles.

Clause 11 inserts a new section 55A to provide for special permits to use exhibition vehicles even though they cannot be registered under section 55.

Clause 12 repeals and replaces section 78 of the principal Act to restrict the use and holding of both mobile telephones and other hand-held devices while driving.

Clause 13 amends section 88 of the principal Act to provide a definition for “medical practitioner”.

Clause 14 amends section 93 of the principal Act to increase ticketable offences to relate to the improper display of registration plates and improper use of certain types of brakes known colloquially as “Jake brakes”.

Clause 15 amends section 94 of the principal Act to clarify that if an offender wants to plead guilty to a ticketable offence that person may pay a ticket in accordance with the prescribed procedure.

Clause 16 inserts into the principal Act a proposed section 103A which provides that the Cabinet may make Regulations to provide for a demerit points system to apply to such offences under the legislation as are determined by the Cabinet and specified in the Regulations, and to provide for all matters that are necessary to be prescribed for giving effect to such system.

Clause 17 amends section 111 of the principal Act to provide that Cabinet may make regulations to provide for special conditions for the use on the road of special purpose vehicles.

Clause 18 contains transitional provisions.



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ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Act may be cited as the Traffic (Amendment) Act, 2024.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet.

Amendment of section 2 of the Traffic Act (2023 Revision)- interpretation

2. The *Traffic Act (2023 Revision)*, in this Act referred to as the “principal Act”, is amended in section 2 as follows —
 - (a) by deleting the definition of the word “**Board**”;
 - (b) by inserting after the definition of the words “**cycle lane**” the following definition —

“**demerit points system**” means a penalty system under which a person's driver's licence is revoked or suspended based on the

- number of points the person has accumulated over a specific period of time;”;
- (c) in the definition of the words “**electric powered vehicle**” —
- (i) by deleting the words “and includes low-speed vehicles and neighbourhood electric vehicles, but does not include four-wheeled terrain vehicles or golf carts”; and
 - (ii) substituting the words “and includes low-speed vehicles, neighbourhood electric vehicles, e-scooters and mopeds”;
- (d) by deleting the definition of the words “**emergency vehicle**” and substituting the following definition —
- “**emergency vehicle**” means —
- (a) a fire engine;
 - (b) an ambulance, regiment or police vehicle engaged upon its duties as such; and
 - (c) a vehicle or vessel of the Coast Guard engages upon its duties as such;”;
- (e) by inserting, after the definition of the words “**new resident**” the following definition —
- “**new vehicle**” means a vehicle which, at the date of registration has less than four thousand miles on its odometer and is of a model year at the date of registration of no more than one year;”;
- (f) in the definition of the word “**goods**”, by repealing paragraph (b) and substituting the following paragraph —
- “(b) a public bus approved for use as public transport in accordance with the *Public Transport Act, 2024*;”;
- (g) in the definition of the words “**prescribed limit**”, in paragraph (a) by inserting after the word “breath” the words “or alternatively, point zero three one milligrams of alcohol in one hundred milliliters of breath”;
- (h) by inserting, after the definition of the words “**prescribed limit**” the following definition —
- “**public bus**” means a vehicle constructed or capable of being used for the carriage of more than nine persons, excluding the driver, which is licensed to carry passengers on a fare-paying basis or by private arrangement on a route designated in accordance with the *Public Transport Act, 2024*;”;
- (i) by deleting the definition of the words “**Public Transport Board**”;
- (j) by deleting the words “**special electric vehicle**” and substituting the words “**low speed electric vehicle**” and placing the definition in its appropriate alphabetical order;



- (k) by deleting the definition of the words “**special purpose vehicle**” and substituting the following definition —
- “**special purpose vehicle**” means an amphibious ATV, an exhibition vehicle or a low speed electric vehicle;” and
- (l) by deleting the definition of the word “taxi”. and substituting the following definition —
- “**taxi**” means a public passenger vehicle or horse-drawn vehicle which is permitted to stand or ply for hire for the purpose of transporting persons to a destination on a private arrangement basis;”.

Repeal and substitution of section 11 - importation and use of certain vehicles restricted

3. The principal Act is amended by repealing section 11 and substituting the following section —

“Importation and use of certain vehicles restricted

11. (1) A person who, without the written permission of the Director, imports or uses —
- (a) a beach buggy or dune buggy;
 - (b) a double decker public bus;
 - (c) the parts of a vehicle referred to in paragraphs (b) and (c); or
 - (d) a vehicle which is constructed, or capable of being used, for the carriage of more than fifteen persons excluding the driver, commits an offence.
- (2) Except as permitted by section 18, a person who, without the written permission of the Director, imports or uses a vehicle which does not comply with either the standards specified in this Act or in regulations made under section 57 commits an offence.
- (3) The Director shall not register a vehicle imported into the Islands contrary to subsection (1), (2) or to paragraph 4(1) of *the Customs and Border Control (Prohibited Goods) Order (2024 Revision)*.”.

Amendment of section 14- commencement and duration of licences: rate of fees

4. The principal Act is amended in section 14 as follows —
- (a) in subsection (2)(a), by deleting the words “that has not been registered anywhere before”; and
 - (b) by inserting after subsection (5) the following subsection —

“(5A)A person who is the spouse, parent, legal guardian or adult child of a disabled person is entitled to register and license one vehicle free of fee on behalf of the disabled person but no more than one such registration is permitted.”.

Amendment of section 25 - qualification to drive

5. The principal Act is amended in section 25(b)(i) by deleting the words “new resident or visitor” and substituting the words “new resident, visitor or Caymanian of the prescribed age.”.

Insertion of section 27A - exchange of licences

6. The principal Act is amended by inserting after section 27 the following section —
“Exchange of licences

27A.(1) A person who resides in the Islands and who holds a domestic licence granted in a country specified in subsection (2) may, in exchange for such a licence be granted a corresponding Cayman Islands licence.

(2) The countries to which subsection (1) refer are as follows —

- (a) United Kingdom;
- (b) Gibraltar;
- (c) Guernsey;
- (d) Isle of Man; and
- (e) Jersey.”.

Amendment of section 29 - driving tests for new residents and visitors

7. The principal Act is amended in section 29 as follows —

- (a) by deleting the section heading and substituting the following section heading —

“Special provision for holders of licence from certain Convention countries”;

- (b) by repealing subsection (2) and substituting the following subsection —

“(2) The following persons who hold a domestic licence from a Convention country (not specified in section 27A) or from a prescribed country, or who hold an international driver’s permit from such a country may, on the basis of that licence or permit, drive in the Islands for a period not exceeding twelve months —

- (a) a Caymanian;
- (b) a visitor; or
- (c) a new resident.”;



- (c) in subsection (3) as follows —
 - (i) by deleting the word “six” and substituting the word “twelve”; and
 - (ii) by deleting the words “visitor or new resident” and substituting the words “person referred to under subsection (2)”; and
- (d) by inserting after subsection (4) the following subsection —

“(5) Cabinet may by Order amend this section.”.

Repeal of Part 4 - public passenger vehicles

8. The principal Act is amended by repealing Part 4.

Amendment of section 53 - restrictions on use of special electric vehicles

9. The principal Act is amended in section 53 as follows —
- (a) by repealing the section heading and substituting the following section heading —

“**Restrictions on use of special purpose vehicles**”;
 - (b) in subsection (1), by deleting the word “special” and substituting the words “Low speed”;
 - (c) in subsection (1A), by deleting the word “amphibious”; and
 - (d) in subsection (2), by deleting the word “whouses” and substituting the words “who uses”.

Amendment of section 55 -requirements for registration of special purpose vehicles

10. The principal Act is amended in section 55(1) as follows —
- (a) in paragraph (b), by inserting before the words “rear lights” the words “where applicable,”; and
 - (b) in paragraphs (h), (i), and (j), by inserting at the beginning of those paragraphs the words “where applicable”.

Insertion of section 55A - exhibition vehicles which are unregistered

11. The principal Act is amended by inserting after section 55 the following section —

“Exhibition vehicles which are unregistered

55A. Notwithstanding that an exhibition vehicle does not meet the requirements under section 55 and a permit cannot be issued to the owner under section 54, the Commissioner may grant a special permit for a period not exceeding forty-eight hours to the owner of an exhibition vehicle to enable that vehicle to be driven on a road from one place to another, subject to —

- (a) any regulations made under section 111;

- (b) the person driving the vehicle and the vehicle complying with the *Vehicle Insurance (Third Party Risks) Act (2012 Revision)*; and
- (c) such conditions as the Commissioner may specify in that special permit,

if the Commissioner is satisfied that the exhibition vehicle can be so driven without material damage to the road.”.

Repeal and substitution of section 78 - ban on mobile telephones

12. The principal Act is amended by repealing section 78 and substituting the following section —

“Restriction on use of mobile telephones and other hand-held devices

- 78.** (1) Except as provided in subsection (2) a driver shall not hold or use a mobile telephone or other hand-held device while that driver is operating a vehicle.
- (2) Subsection (1) does not apply to —
- (a) a constable on duty;
 - (b) a driver using a mobile telephone or other hand-held device to make a 911 call in an emergency when it is unsafe or impractical to stop and park the vehicle in order to make the emergency call;
 - (c) a driver who holds or uses a mobile telephone or other hand-held device that —
 - (i) is secured in a mounting affixed to the vehicle while the mobile telephone or other hand-held device is being used; and
 - (ii) does not require the pressing of more than one button on the mobile telephone or other hand-held device to make, receive or terminate a telephone call;
 - (d) a driver who holds or uses a mobile telephone or other hand-held device that —
 - (i) is not secured in a mounting affixed to the vehicle; but
 - (ii) does not require the driver to hold, or to manipulate, the mobile telephone or other hand-held device in order to make, receive or terminate a telephone call; or
 - (e) a driver who holds or uses a mobile telephone or other hand-held device when the vehicle that the driver is operating has stopped, having been removed from the normal flow of traffic.
- (3) For the purposes of subsection (2)(e), a vehicle that has stopped in obedience to a traffic sign or traffic signal while awaiting



circumstances to develop which would allow it to proceed or while awaiting the traffic signal to change shall not be considered to have been removed from the normal flow of traffic.

- (4) A hand-held device referred to in this section is a device, other than a two-way radio, which is capable of transmitting and receiving data, whether or not those capabilities are enabled.
- (5) In this section —
 - (a) using a mobile telephone or other hand-held device includes the following —
 - (i) illuminating the screen;
 - (ii) checking the time;
 - (iii) checking notifications;
 - (iv) unlocking the device;
 - (v) making, receiving, or rejecting a telephone or internet-based call;
 - (vi) sending, receiving or uploading oral or written content;
 - (vii) sending, receiving or uploading a photo or video;
 - (viii) utilising camera, video, or sound recording functionality;
 - (ix) drafting any text;
 - (x) accessing any stored data such as documents, books, audio files, photos, videos, films, playlists, notes or messages;
 - (xi) accessing an application; and
 - (xii) accessing the internet; and
 - (b) “**an application**” means a software programme that runs through a web browser or offline on a mobile telephone or other device.”.
- (6) A person who contravenes this section commits an offence.”.

Amendment of section 88 - interpretation of sections 82 to 87

13. The principal Act is amended in section 88 by inserting after the definition of the word “**hospital**” the following definition —

“**medical practitioner**” means a medical doctor registered under Schedule 4 of the *Health Practice Act (2021 Revision)*.”.

Amendment of section 93 - ticket offences

14. The principal Act is amended in section 93 as follows —

- (a) by deleting the words “(1)”;
- (b) in paragraph (cc) by deleting the word “or”; and



- (c) by inserting after paragraph (cc) the following paragraphs —
- “(cca) fails to display a registration plate on the front and back of the exterior part of the vehicle in the prescribed manner;
 - (ccb) have at the same time two or more different registration plates on the same prescribed place of a vehicle;
 - (ccc) displays different registration plates on the front and back of a vehicle;
 - (ccd) fails to display a vehicle licence or coupon on a vehicle;
 - (cce) uses or operates a compression release engine brake, compression brake, decompression brake or such other type of braking device for any purpose other than as an emergency braking device for a vehicle or for a purpose that is not part to the safe operation of a vehicle; or”.

Amendment of section 94 - ticket procedure

- 15.** The principal Act is amended in section 94 by repealing subsection (2) and substituting the following subsection —

“(2) If the offender wants to plead guilty that person shall pay such ticket in accordance with the prescribed procedure.”.

Insertion of section 103A- demerit points system

- 16.** The principal Act is amended by inserting after section 103 the following section —

“Demerit points system

103A. The Cabinet may make regulations to provide for a demerit points system to apply to such offences under this Act as are determined by the Cabinet and specified in the regulations, and to provide for all matters that are necessary to be prescribed for giving effect to such system.”.

Amendment of section 111- Regulations under this Part

- 17.** The principal Act is amended in section 111(f) by inserting after the words “oversize vehicles” the words “, special purpose vehicles”.

Transitional provisions

- 18.** Section 11 does not apply to a person who uses a vehicle which does not conform to standards as specified under that section and which was registered prior to and on the date of commencement of this amending Act.



